

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv392**

PHILLIP T. BONEY,

Plaintiff,

vs.

**NORTH CAROLINA DEPARTMENT
OF CORRECTIONS; and
DONNIE EDWARD, Captain at the
Lanesboro Correctional Institution,**

Defendants.

ORDER

THIS MATTER comes before the Court upon Plaintiff's letter motion for an extension of his filing fee deadline, filed September 23, 2010 (Doc. No. 5).

On August 19, 2010, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs seeking permission to proceed with his Title VII action without having to prepay the fees and costs associated with such action. (Doc. No. 1). On August 23, 2010, the Court entered an Order denying Plaintiff's request and directing him to pay the \$350.00 filing fee on or before September 23, 2010 (Doc. No 3). By the instant letter-motion, Plaintiff seeks an extension of the time in which he must pay the subject filing fee.

After careful consideration, for good cause shown, Plaintiff's letter-motion will be granted, and he shall be given up to and including October 4, 2010 in which to pay the required filing fee.

IT IS, THEREFORE, ORDERED THAT:

1. Plaintiff's letter-motion for an extension of his filing fee deadline is **GRANTED**;

2. Plaintiff shall file the \$350.00 filing fee on or before October 4, 2010;
3. **Plaintiff is admonished that his failure to pay the filing fee as herein directed could result in the immediate dismissal of his case without any further notice to him;**
4. Upon the timely receipt of Plaintiff's filing fee, the Clerk of Court shall prepare process for this case and deliver same to the U.S. Marshal;
5. The U.S. Marshal shall serve process upon Defendants;
6. Defendants shall file an answer or other appropriate response to Plaintiff's Complaint in accordance with the Federal Rules of Civil Procedure; and
7. The Clerk of Court shall serve a copy of this Order on Plaintiff by certified mail, return receipt requested.

SO ORDERED.

Signed: September 27, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

